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| 09/815,877 | 03/23/2001 | Randall C. Arnold | AUGA15000005 | 7377 |

7590 06/01/2005

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| EXAMINER |
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ROLLINS, ROSILAND STACIE

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| ART UNIT | PAPER NUMBER |
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3739

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/815,877
Filing Date: March 23, 2001
Appellant(s): ARNOLD ET AL.

MAILED

JUN 01 2005

Group 3700

Terrance A. Meador
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 3/14/05.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 36, 37, 40, 44-47, 57, 58, 61, 65-68 and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 34, 35, 54 and 56 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

| | | |
|---------|------------|---------|
| 5360439 | Dickerhoff | 11-1994 |
| 5304213 | Berke | 4-1994 |

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 34, 35 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickerhoff et al. (US 5360439) In column 3 lines 1-28, Dickerhoff et al. disclose a method for controlling airflow through an inflatable device and an apparatus for warming a person as recited in the claims. The snap disclosed by Dickerhoff as a means for closing the port is understood by Examiner to be a plug.

Claims 35 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berke et al. (US 5304213) further in view of Dickerhoff et al. Berke et al. teach all of the limitations of the claims except a plug removably received in at least one port of the two ports. Dickerhoff et al. disclose the use of a snap, which is understood by Examiner to be a plug. The snap is a means to allow reclosing of the port after the permanent seal has been broken. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a snap as taught by Dickerhoff et al. as a means of reclosing the port of Berke et al. once the permanent seal has been broken.

(11) Response to Argument

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Applicant argues that the snap of Dickerhoff does not meet the dictionary meaning of the word plug. Applicant goes further to point out that a plug is defined as “a piece used to fill a hole” and that a snap is defined as “a catch or fastening that closes or locks with a click” or “a metal fastener consisting essentially of a ball and socket attached to opposed parts of an article and used to hold meeting edges together”.

After careful consideration of both definitions Examiner has found that the snap does in fact meet the dictionary meaning of the word plug especially in view of how the snap is used in the Dickerhoff reference. Dickerhoff explains that a snap could be used to close the inlet port, which essentially is a hole. Therefore, the snap would be used to fill a hole as required by the definition given by Applicant.

Applicant also argues that the “semi-rigid” collar with an opening of Berke cannot be closed or sealed by any of the means taught by Dickerhoff since Dickerhoff closes sleeve-like “flexible” inlet ports. However, according to the definition provided by the Applicant, Dickerhoff’s closure mechanism, a snap, comprises a metal fastener, which is understood by the Examiner to be a semi-rigid material at least. Therefore, Dickerhoff’s mechanism could in fact be used within a semi-rigid structure because of its own semi-rigid properties.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

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RR
May 27, 2005

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